

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner testified that the proposed garage will be constructed on a concrete slab and placed near the southerly corner of Lot #106. He stated that it is his intent to raze the existing garage on Lot #93 upon approval of the requested variance. The Petitioner testified that he intends to use the proposed garage for the storage of automobiles. He stated that he informed his neighbor, Mr. Robert Funk, whose property is adjacent to the proposed garage of his intentions to construct the building. He testified that Mr. Funk had no objection to the garage, particularly in light of Petitioner's assurances that the pitch of the garage's

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk.

5. The Petitioner shall record among the Land Records of Baltimore County a new deed which creates one parcel from the combination of Lots 93 and 106 referred on Petitioner's Exhibit 1, within 60 days of the date of this order and shall reference this zoning opinion by case number. A copy of the recorded deed shall be delivered to the Zoning Commissioner.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

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**PETITIONER:  
EXHIBIT**



the undrainable property, and we do not intend the construction of a residential garage 26' x 30' on the rear of 5225 Benson Avenue, Arbutus, Maryland 21227.

Variance Case #89-501-A

1. Robert Haines 5225 Benson Ave. 21227
2. Michael S. Fischer 5225 Benson Ave. 21227
3. Joseph S. Fischer 5225 Benson Ave. 21227
4. John S. Fischer 5225 Benson Ave. 21227
5. John S. Fischer 5225 Benson Ave. 21227
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22. John S. Fischer 5225 Benson Ave. 21227
23. John S. Fischer 5225 Benson Ave. 21227

To The Zoning Commission,  
I request that a permit be issued as soon as possible for this project. The reason being, I am constructing this garage myself and intend to have it completed before winter.

Very truly yours,  
Michael S. Fischer  
5225 Benson Ave.  
Arbutus, Md 21227  
242-0109

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 100 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 100 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Office of  
**PATUXENT**  
PUBLISHING COMPANY  
10550 Line Pasture Pkwy.  
Columbia, MD 21044

IS TO CERTIFY, that the annexed advertisement of

was inserted in the following:

☒ THE JEFFERSONIAN

☐ Booster Weekly

☐ Catonsville Times

☐ Owings Mills Flier

☐ Arbutus Times

☐ Reporter Weekly

weekly newspapers published in Baltimore County, Maryland

successive weeks before

the day of \_\_\_\_\_ 1989, that is to

say, the same was inserted in the issues of

May 18, 1989

PATUXENT PUBLISHING COMPANY  
By: *[Signature]*  
P012523  
reg M3863  
rs 89-501-A  
price \$63.53

Baltimore County  
Zoning Commission  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

Date: 5/25/89

Mr. Michael S. Fischer  
5225 Benson Avenue  
Arbutus, Maryland 21227

Res: Petition for Zoning Variance  
CASE NUMBER: 89-501-A  
525 Benson Avenue, 175' SE of c/l of Marsh Road  
5225 Benson Avenue  
13th Election District - 1st Councilmanic  
Petitioner(s): Michael S. Fischer

Dear Mr. Fischer:

Please be advised that 57.33 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to:

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 5/25/89

AMOUNT: \$ 57.33

FOR: Advertising and Posting Fee

VALIDATION OR SIGNATURE OF CASHIER

er of

Baltimore County  
Zoning Commission  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

May 6, 1989

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 100 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

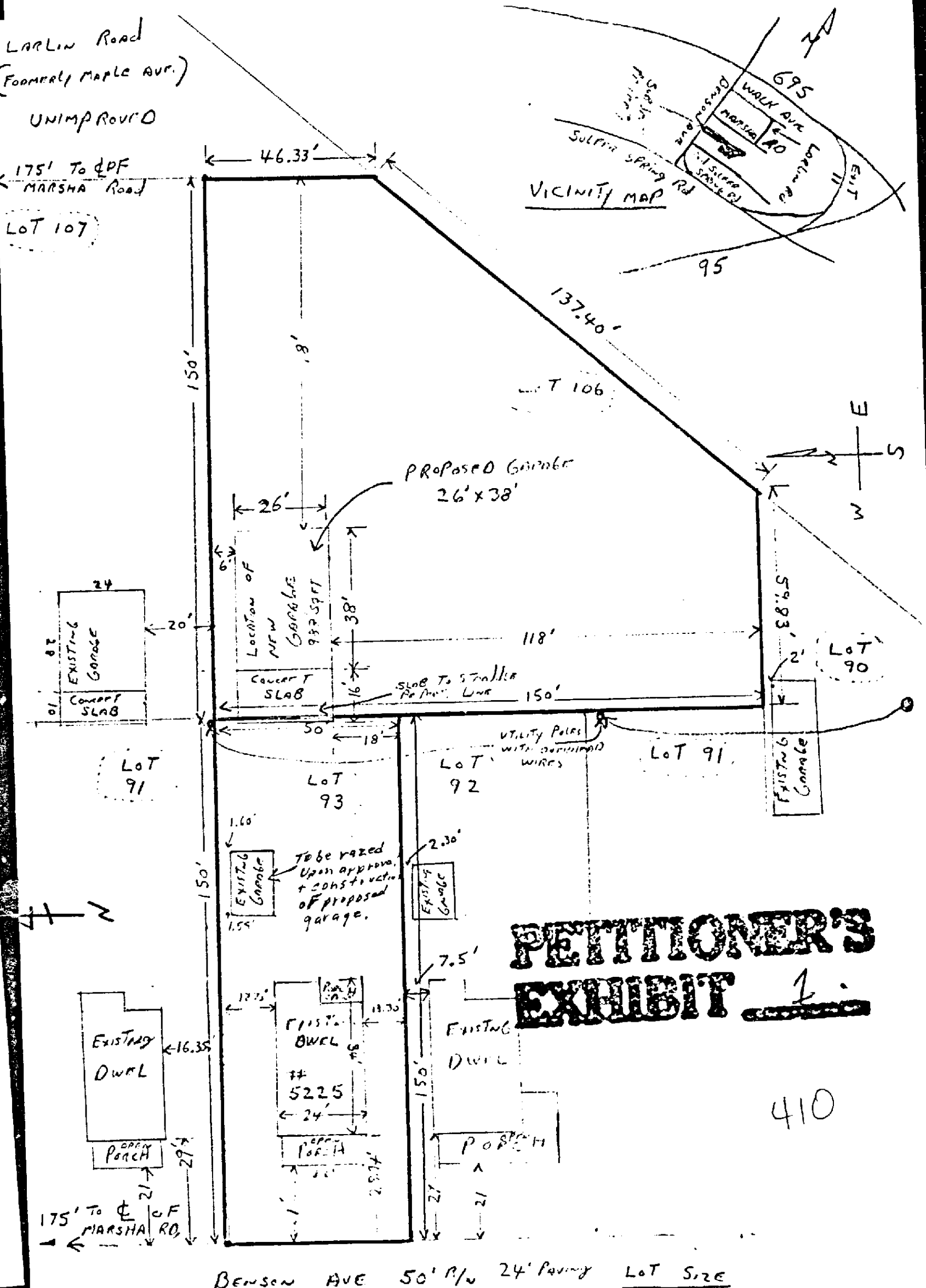
Petition for Zoning Variance  
CASE NUMBER: 89-501-A  
525 Benson Avenue, 175' SE of c/l of Marsh Road  
5225 Benson Avenue  
13th Election District - 1st Councilmanic  
Petitioner(s): Michael S. Fischer

Variance to allow an accessory structure (detached garage) to be larger than the principal dwelling.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

*[Signature]*  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

cc: Michael S. Fischer  
file



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**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 13th

Posted for: *[Signature]*

Petitioner: *[Signature]*

Location of property: *[Address]*

Location of Sign: *[Address]*

Remarks: *[Text]*

Posted by: *[Signature]*

Number of Signs: *[Text]*

89-501-A  
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 12th day of April, 1989.

Petitioner: Michael S. Fischer  
Petitioner's Attorney: *[Signature]*

Received by: James E. Dyer  
Chairman, Zoning Plans Advisory Committee

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. Michael S. Fischer  
5225 Benson Avenue  
Arbutus, MD 21227

RE: Item No. 410, Case No. 89-501-A  
Petitioner: Michael S. Fischer  
Petition for Zoning Variance

Dear Mr. Fischer:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIANSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 687-3391.

Very truly yours,

*[Signature]*  
JAMES E. DYER  
Chairman, Zoning Plans Advisory Committee

Enclosures



Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

April 21, 1989



Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 399, 400, 401, 402, 403, 404, 405, 406, 408, 409, 410, 411, 412 and 413.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Assoc. II

MSF/leh



ZONING OFFICE

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
484-4500

Paul H. Reincke  
Chief

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Dennis F. Rasmussen  
County Executive

Re: Property Owner: Michael S. Fischer

Location: SES Benson Ave., 175' SE of centerline of Marsh Rd.  
#5225 Benson Ave.

Item No.: 410 Zoning Agenda: 4/11/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," \_\_\_\_\_ edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. J. M. Kelly* 4-14-89 Noted and Approved: *Capt. Tom Bradley*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/

YEAGER  
1515 MARSHA ROAD  
BALTIMORE, MD. 21227



ZONING OFFICE

June 17, 1989

Mr. J. Robert Haines  
Zoning Commissioner of Baltimore County  
111 W. Chesapeake Avenue  
Baltimore, MD 21204

Re: Petition for Zoning Variance  
Case No. 89-501A  
S.E.S. Benson Ave., 175 ft. SE  
of c/l of Marsha Rd.  
5225 Benson Ave.  
13th Election District  
1st Councilmanic  
Petitioner: Michael S. Fischer  
Hearing Date: Friday, June 9, 1989, 2:00 P.M.

Dear Mr. Haines:

I wish to make a few additional comments to the subject hearing which I attended.

Mr. Fischer indicated that he bought his property with the intention of constructing a residence on the rear lot, and then found out that he could not. It just so happens that he cut the grass for many years for his aunt who owned the property. Since he has been involved in construction work for a number of years, he was well aware that the lay of the land prevented a sewer connection to a house at this location.

He also stated that his next door neighbor was not against the construction of the garage. I guess not, since at various times Mr. Fischer helped Mr. Funk to construct his garage and to put up a fence. Would you oppose your neighbor in such a case?

In regards to Mr. Funk's garage, which was constructed within the past year and is also a little larger than the usual size, I know that neither of his personal vehicles have been inside the garage and it isn't being used for storage either.

I was under the impression that to construct a building on abutting property, such as Mr. Fischer's and Mr. Funk's, part of the building had to straddle the property line. The regulation was bent in Mr. Funk's case. Now it will be bent in Mr. Fischer's case, plus his desire to have another regulation bent. The ques-

tion seems to be; what regulation will they ask to be bent next.

Another question has come to my mind; suppose as Mr. Fischer is about to lay the last concrete block something happens to him, and he or his mother or estate must sell the property. One thing is for certain, with a large unfinished building on it, the ordinary home buyer is not going to buy such a property. So what type of buyer would be interested? You know as well as I, it would be someone in business or with such intentions. Let's even say such a thing happens in a few years after it is completed. The answer is the same.

I know this neighborhood is in the Baltimore/Washington market area and that it is surrounded by commercial and industrial development, but that should not mean this area should automatically become the same.

In view of the above, I believe that you should consider the people of this neighborhood in your decision of this case.

Thank you for your attention to this matter.

Yours very truly,

*James E. Yeager*  
James E. Yeager

cc: Mrs. Jackie Allen, President  
Halethorpe Improvement Assoc.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 23, 1989  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for April 11, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 399, 400, 401, 402, 403, 404, 406, 408, 409, 410, 412, 413, 414, and 416.

Comments are attached for Items 405 and 411.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

Encls.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: May 18, 1989  
Zoning Commissioner  
FROM: Paul Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-501-A  
Item No. 410

Re: Michael S. Fischer

The Petitioner requests a variance to permit an accessory structure (detached garage) to be larger than the principal dwelling. In reference to this request, staff offers the following comments:

This office has no objection to the requested variances. However, a restriction should be placed in the Order prohibiting any living quarters, kitchen or bathroom facilities in the garage and limiting the storage to being the personal property of occupants of the principal dwelling only. No mechanical repairs to vehicles shall be permitted.

Provide information as to whether construction under utility wires is permitted.

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